

REMARKS

Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,418,581 to Conway (hereinafter "Conway"). The Examiner states that Conway teaches the required components of the Applicant's device.

As amended, the claims require not only a hinge element forming an integral part of the lens, but also a means for limiting outward movement of said ear stem to said ear contacting position. This means comprises a protuberance on an inner face of a branch of the ear stem in combination with an opening on the lens configured to receive the protuberance.

There is no teaching in Conway to form the means for limiting outward movement of the ear stem as described by the presently amended claims. In order to make out a prima facie case of obviousness, a proposed combination of prior art references must teach or suggest all of the limitations of the rejected claims. *In re Vaech*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970).

Conway does not teach the required construction, which with reference to Figure 3 of the Applicant's specification relative to Figure 4 of Conway, is clearly an improvement of the art of record. Reconsideration and allowance of the claims is respectfully requested.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,  
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